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THE STATE

Lawmakers, Religious Leaders Fight Deportations Linked to Fraud Case

State officials seek to stop INS hearings for immigrants they call fraud victims.

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SAN FRANCISCO -- Religious and political leaders gathered Thursday in San Jose to denounce what one state assemblyman called a "corrupt scheme" by the U.S. Immigration and Naturalization Service to deport 275 South Korean immigrants who received fraudulent green cards in a scam run by a former INS officer.

State Assemblyman Manny Diaz (D-San Jose) and Assemblywoman Carol Liu (D-La Canada Flintridge) issued a joint resolution asking fellow legislators to pressure U.S. Justice Department officials to stop all deportation hearings until INS officials present evidence that the immigrants knew their documents had been illegally obtained.

One of the men who produced the fraudulent documents has said the immigrants believed they had followed all the proper procedures to obtain green cards and remain in this country legally. Some have been in the U.S. for 15 years or more.

"This corruption at the Immigration and Naturalization Service could devastate the lives of hundreds of families if we do not intervene immediately," Diaz said in a prepared statement. "I am appalled that it has come this far and demand a proper review by the United States attorney general."

The statement added that the immigrants were being held liable for what Diaz called a "corrupt scheme" by the INS and one of its former officials.

Diaz said the resolution introduced Thursday would be heard March 4 by the state Assembly's Judiciary Committee. If passed, it would then go before the entire Assembly. He expects a similar resolution to be considered on the state Senate floor.

The political maneuverings signaled a growing support for the immigrant families who received green cards through a scam run for 12 years by former INS official Leland Sustaie and four Korean American immigration brokers. Sustaie turned himself in to federal authorities in 1998, acknowledging that he had been paid at least \$500,000 by the brokers to issue green cards to South Korean nationals living throughout Southern California.

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Sustaire avoided prison time through a plea bargain, in which he agreed to testify against two of the immigration brokers, who each received three years in prison. Sustaire received five years' probation and a fine.

One Deported So Far

Immigrants facing deportation include scientists, doctors, Silicon Valley software engineers and business owners.

So far, one South Korean has been deported and at least two dozen face deportation. INS officials recently brought in a half-dozen new agents to help round up the immigrants for hearings, according to Alex Park, a Santa Clara attorney who represents 90 of the South Koreans. Some are in hiding.

Park said that the green cards obtained by his clients should be considered legitimate, but acknowledged that they had been obtained by fraud. One of the convicted immigration brokers told The Times in an interview that his clients did not know their green cards had been obtained as part of a scam.

INS officials have demanded that the immigrants prove their innocence by providing personal documents, many of which were burned by Sustaire when he sensed investigators were closing in on him.

The INS has refused to comment on what it describes as an ongoing investigation. But on Thursday, one agency official said the immigrants were getting every benefit of the law. "Whenever a person is investigated by the INS and placed before an immigration judge, that person receives due process," the official said.

But that wasn't enough for Liu, co-chairwoman of the state Assembly's Asian Caucus.

"Is this a retaliation for having their own bad guy in the mix here? I don't know," she said.

"All our resolution does is call for an impartial review of the circumstances," Liu said. "We want the government to be sure that if they're going to deport somebody, to make sure it's someone who took advantage of the situation."

On Thursday, several Korean American ministers joined Santa Clara County officials to offer support for the immigrants. "This just doesn't involve 275 people -- our whole community is affected," said the Rev. Duksoo Kim, president of the South Bay Korean American Ministers Assn. "We need a collective voice."

Added the Rev. Wonbae Son: "Some of these people have small children. They have been in America many years. They are good people who work hard and pay taxes. They do not deserve to be treated this way."

One Santa Clara County public official said the immigrants are "victims who are being treated like perpetrators."

"This just seems wrong," said James McEntee Sr., director of the county's Office of Human Relations. "These people were duped at the hands of unscrupulous paralegals and a corrupt INS official. Those are the people the government should go after. Not the victims."

Letter to Ashcroft

Two U.S. representatives from San Jose, Mike Honda and Zoe Lofgren, sent a letter to Atty. Gen. John Ashcroft last month demanding that the immigrants be granted case-by-case hearings.

A U.S. Justice Department spokesman said then that the agency would review the matter.

The Korean consul general in San Francisco also met with David Still, acting INS director in the Bay Area, to express

Diaz said he wants a closer scrutiny of INS agents as the agency falls under the direction of the new Department of Homeland Security.

"We're trying to clean up the mess created by a corrupt INS official," Diaz said. "Today, it's these immigrants being victimized. Who's to say this won't continue? What other groups are going to be picked on next?"

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